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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,585	08/27/2003	Yingwei Claire Cui	16113-760001 / GP-064-05-	4994
26192 7590 02/25/2010 FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER DURAN, ARTHUR D	
			ART UNIT 3622	PAPER NUMBER
			NOTIFICATION DATE 02/25/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/649,585	<b>Applicant(s)</b> CUI ET AL.	
	<b>Examiner</b> Arthur Duran	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 109-156 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 109-156 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 109-156 have been examined.

#### ***Response to Amendment***

The Amendment filed 1/21/10 on is sufficient to overcome the prior rejection. However, the rejection has been change from a 102 to a new 103 rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 109-156 rejected under 35 U.S.C. 103(a) as being unpatentable over Gerace (5,848,396) in view of Bharat (20040267723).

Claims 109, 125, 141: Gerace discloses a method, comprising:

- receiving one or more advertisements (Figs. 1, 2, 3a);
- receiving advertisement performance information for the one or more advertisements (Fig. 5b; Appendix IV, col 33-34);
- identifying one or more content concepts of a document (Fig 3a, 3d, 3g);
- receiving, for each content concept of the document, content concept performance information (Fig. 3d; 4:35-47);
- determining, for each content concept of the document, at least one of the one or more advertisements associated with the content concept (16:45-50);

modifying, using at least one processor, the advertisement performance information for at least one of the one or more advertisements using the determined content concept performance information for the content concept associated with the at least one of the one or more advertisements (18:10-26); and

forwarding, based on the modified advertisement performance information, at least one of the one or more advertisements (Figs. 1, 2, 3a; 20:9-20; 19-60-65).

Additionally, on 1/21/10, Applicant presented significant claim amendments.

Gerace discloses:

identifying advertisements that are available for presentation with a document (Figs. 2, 3a, 5a, 5b, 5c, 5d);

receiving, by at least one processor, initial advertisement performance information for the advertisements, the advertisement performance information for each advertisement specifying a measure of performance computed based on previous presentations of the advertisement (33:35-34:30);

identifying, by at least one processor, one or more concepts to which the document is relevant, concepts being identified based on content of the document (16:35-55; 10:60-65; 14:25-35);

receiving, by at least one processor and, performance information representing an aggregate performance of advertisements that were presented with the document (12:55-65; 33:35-34:30 );

modifying, by at least one processor, the initial advertisement performance information for an advertisement using the performance information for content an identified concept corresponding to the advertisement (20:8-20; 18:10-26); and

forwarding, based on the modified advertisement performance information, at least one of the advertisements (20:8-20; Figs. 2, 3a).

Gerace does not explicitly disclose for each identified concept for the document, content-concept performance, and corresponding to the concept, using the concept performance, or performance based on concept.

However, Gerace discloses tracking ad performance (12:55-65; 33:35-34:30) and improving ad performance targeting (20:8-20; 18:10-26). Gerace further discloses that ads are known for their type of information (3:4-7; 12:25-30) and that ads are placed based on the relevance of ad content to webpage content (16:35-55; 10:60-65; 14:25-35). And, Gerace discloses that the “Media (visible/playable here)” where an ad is shown is tracked (33:55-60). Also, Gerace tracks every ad presented to a user and with what other content on the page the ad was presented (6:45-7:45). And, Gerace discloses that ads are presented so to be optimized both for relevant content and style (5:20-25).

Gerace further discloses correlating page content and ad content:

“A Page object 35a cross references a User Interface Object 37c which specifies which Page Display Object 35c and which agate information (content and presentation) is appropriate for the current user. Page Data Objects 35b hold the agate or other data to be displayed to end users. Included are advertisements (objects

themselves) which may be integrated into the agate data. Preferably advertisements are positioned along the periphery (i.e., above, below, left or right) of the agate data, as defined by a respective Page Display Object 35c. Accordingly, Page Data Objects 35b support Page Display Objects 35c which outline the possible screen content and presentation formats in which agate data advertisements are to be displayed. (7:18-37);

Based on these recorded details, program 31 constantly and automatically tailors screen views (content and presentation) and advertisement selection (subject matter and presentation) for the user.(17:1-17).

Hence, it is obvious that Gerace can track performance for different page content/concepts and ad content relevance. As a further example of this, Bharat discloses different document concepts/topics and presenting ads that are concept/topic relevant (Title; Abstract; Figs. 3, 4, 5, 10, 11, 12, 14) and tracking or reporting on performance of document concepts and ads including scores ([54, 61, 74, 57]; claims 15, 17, 25, 27, 33, 35, 60, 62). Hence, it is obvious that Gerace can track performance for different page content/concepts/topics and ad content relevance. One would be motivated to do this to better target relevant ads.

Claims 110, 126, 142. Gerace discloses the method of claim 109, wherein the advertisement performance information includes one or more of selection information and impression information for the one or more advertisements (Appendix IV, col 33-34).

Claims 111, 127, 143. Gerace discloses the method of claim 109, wherein the document is a Web page identified by a URL (Fig. 2).

Claims 112, 128, 144. Gerace discloses the method of claim 109, wherein modifying the advertisement performance information for the at least one of the one or more advertisements comprises:

identifying a content concept associated with the at least one of the one or more advertisements (3:4-10); and

receiving content concept performance information associated with the content concept associated with the at least one of the one or more advertisements (3:4-10; 34:24-26).

Also, see rejection of independent claim above. Also, Bharat further discloses concept performance for multiple advertisements (Title; Abstract; Figs. 3, 4, 5, 10, 11, 12, 14; [54, 61, 74, 57]; claims 15, 17, 25, 27, 33, 35, 60 ,62).

Claims 113, 129, 145. Gerace discloses the method of claim 109, wherein receiving, for each content concept of the document, the content concept performance information comprises determining, for each content concept of the document, content concept performance information using the advertisement performance information for the at least one of the one or more advertisements associated with the content concept (3:4-10; 34:24-26; 16:45-50). Also, see rejection of independent claim above.

Claims 114, 130, 146. Gerace discloses the method of claim 113, wherein: determining, for each content concept of the document, the at least one of the one or more advertisements associated with the content concept comprises determining, for a content concept of the document, a first advertisement and a second advertisement

associated with the content concept; and  
determining, for each content concept of the document, content concept performance information using the advertisement performance information for the at least one of the one or more advertisements associated with the content concept comprises processing, for the content concept of the document, the advertisement performance information for the first advertisement and the second advertisement associated content concept (3:4-10; 34:24-26; 16:45-50, “appropriate advertisements”). Also, see rejection of independent claim above

Claims 115, 131, 147. Gerace discloses the method of claim 109, wherein the concept performance information includes one or more of selection information and impression information for the one or more concepts (Fig. 3d; 4:35-47). Also, see rejection of independent claim above

Claims 116, 132, 148. Gerace discloses the method of claim 109, further comprising determining a confidence measure for the advertisement performance information (19:60-65; 19:26-31). Also, Bharat further discloses these features ([68]; claims 15, 25, 33, 60).

Claims 117, 133, 149. Gerace discloses the method of claim 116, wherein determining the confidence measure for the advertisement performance information comprises determining a confidence measure for the advertisement performance information based on one or more of the age of data included in the advertisement performance information and the amount of the data included in the advertisement performance information (18:15-26).



Claims 118, 134, 150. Gerace discloses the method of claim 109, wherein the at least one of the one or more advertisements for which advertisement performance information is modified is the same as the forwarded at least one of the one or more advertisements (19:60-65).

Claims 119, 135, 151. Gerace discloses the method of claim 109, wherein the at least one of the one or more advertisements for which advertisement performance information is modified is different from the forwarded at least one of the one or more advertisements (10:9-13, "in order to achieve rapid and direct benefits. . .allows the sponsor to enter new advertising contracts online").

Claims 120, 136, 152. Gerace discloses the method of claim 109, wherein forwarding, based on the modified advertisement performance information, the at least one of the one or more advertisements comprises comparing the modified advertisement performance information to a threshold (claims 13, 16; 15:1-17; 15:37-45) and forwarding the ad if it performs above a threshold (18:10-26).

Claims 121, 137, 153. Gerace discloses the method of claim 109, wherein: identifying the one or more content concepts of the document comprises identifying a first content concept and a second content concept of the document; and determining, for each content concept of the document, the at least one of the one or more advertisements associated with the content concept comprises determining that one of the one or more advertisements is associated with both the associated with the first content concept and the second content concept of the document (16:37-55, travel and Detroit).

Claims 122, 138, 154. Gerace discloses the method of claim 109, wherein:  
receiving the advertisement performance information for the one or more advertisements comprises receiving advertisement targeting information for the one or more advertisements (4:35-47); and  
receiving the content concept performance information comprises receiving content concept targeting performance information (Fig. 3d, 3f, 3g). Gerace further discloses tracking aggregate ad performance (33:35-34:30).

Claims 123, 139, 155. Gerace discloses the method of claim 109, further comprising: identifying a first advertisement of the one or more advertisement that does not have advertisement performance information (18:10-26);  
determining at least one of the one or more content concepts of the document associated with the first advertisement (16:37-55);  
receiving content concept information for the at least one of the one or more content concepts associated with the first advertisement (3:4-10); and  
determining, based on the received content concept information for the at least one of the one or more content concepts associated with the first advertisement, advertisement performance information for the first advertisement (Appendix IV, col 33-34).

Claims 124, 140, 156. Gerace does not explicitly disclose, wherein determining the advertisement performance information for the first advertisement comprises determining a weighted-sum of the content concept information for the at least one of the one or more content concepts associated with the first advertisement.

However, Gerace discloses tracking ad content concept information (3:4-10) and tracking ad performance based on different ad variables (Appendix IV, col 33-34; 34:23-26, "Advertiser selects packages to analyze[,] Advertiser selects variables to consider"). And, Gerace discloses scalability (34:18-20) and weighted targeting criteria (15:1-10) and evaluating total scores related to targeting (claims 13, 22). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Gerace can determine the advertisement performance information for the first advertisement comprises determining a weighted-sum of the content concept information for the at least one of the one or more content concepts associated with the first advertisement. One would have been motivated to do this in order to better assess the influence of different ad variables that a related to targeting.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Please see the addition of Bharat to 103 rejection above. Also, note the other relevant prior art for document topics/concepts and ad relevance cited below.

### ***Conclusion***

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) Anderson (20040093327) at ([134, 132, 133]) and Graham (20060122884) discloses concept/topic for documents and presenting relevant ads (Fig. 1c; 9a; claim 27).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571)272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arthur Duran  
Primary Examiner  
Art Unit 3622

/Arthur Duran/  
Primary Examiner, Art Unit 3622  
2/18/2010